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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,536	06/05/2000	Sami Yazdi	01393-P0035A	8403

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EXAMINER

LEVITAN, DMITRY

ART UNIT PAPER NUMBER

2662

13

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/587,536

Applicant(s)

YAZDI ET AL.

Examiner

Dmitry Levitan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-8, 12, 13, 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9-11 and 14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2, 3, 5, 9 and 10.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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The amendment, filed 03/29/04, has been entered. Claims 9-11 and 14 remain pending.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because
 - a. they do not include the following reference sign(s) mentioned in the description:

loop back accessory 25.

- b. they include the following reference sign(s) not mentioned in the description:
interfaces 111 and 113.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings in this application appear to be informal. If this is the case, when application is allowed, applicant will be required to submit new formal drawings.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moll (US 5,710,760).

Moll substantially teaches all the limitations of claims 9, 11 and 14 - A method for testing full duplex communication links (full duplex virtual channels 1:11-24), comprising:

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Preparing a packet (test cell on Fig. 1 and 1:57-63) including destination and source addresses (address header 11 on Fig. 1 and 1:57-63) with test set (source endpoint 2:20-22 or first ATM point 1:44-48), and time stamping said packet (using correlation tag 20 on Fig. 1 as a time stamp 2:6) with said test set;

Sending said packet over a communication network to loop back accessory (loop back location endpoint 2:22-25);

Receiving said packet with said loop back accessory (endpoint matching loop back location ID 22 on Fig. 1 and 2:25-32);

Inverting said source and destination addresses with said loop back accessory and accordingly preparing another packet (inherently part of the system, because the looped back test cell is routed to the source endpoint and the source address of the looped back cell is the endpoint 2:29-33);

Sending said other packet from said loop back accessory to said test set over said communication network (1:44-48);

receiving said other packet with said test set (1:48-50); and

Analyzing said packet with said test set to extract relevant information (comparing the received cell to the expected cell 1:50-54).

Moll does not teach utilizing communication links as Ethernet and addresses as MAC addresses.

Official notice is taken that utilizing communication links as Ethernet and addresses as MAC addresses is well known and expected in the art.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to add utilizing communication links as Ethernet and addresses as MAC addresses to the system of Moll to improve the system operation with Ethernet networks.

In addition, regarding claims 9 and 14, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the disclosed method into a loop back accessory and a system.

Regarding claim 10, Official notice is taken that utilizing power means for powering an accessory device is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add power means to the device to make it operational.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McKee	US005477531A	Method and apparatus for testing a packet based network.
Chen	US005659540	Apparatus and method for detecting OAM cell loop back in ATM.
Takahashi	US006023455A	Loop back cell control system.
Ahmad	US005740159	Loop back mechanism for frame relay OAM.
Ooyoshi	US006463037B1	Looping detection apparatus.
Chen	US006385236B1	Method and circuit for testing devices with serial data links.
Yoshida	US006404740B1	System for testing internal connectivity in ATM switching equipment.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is 703-305-4384. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Levitan
Patent Examiner.
04/07/04.



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